

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

FLOYD O. HUNT, JR.,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 3:24-cv-325
)	
COMMONWEALTH OF VIRGINIA,)	
)	
Respondent.)	

MEMORANDUM OPINION
(Dismissing Successive § 2254 Petition)

Petitioner Floyd O. Hunt, Jr. (“Petitioner”), a Virginia inmate proceeding *pro se*, submitted a Motion to Proceed *in Forma Pauperis* (ECF No. 1) and a document, which appears to be a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (the “§ 2254 Petition,” ECF No. 2), on May 8, 2024, challenging his convictions in the Circuit Court for Pittsylvania County.¹ The United States District Court for the Western District of Virginia previously denied a 28 U.S.C. § 2254 petition filed by Petitioner challenging these convictions. *Hunt v. White*, No. 7:21-cv-534, 2022 WL 4534442, at *1–5 (W.D. Va. Sept. 28, 2022), *appeal dismissed*, No. 22–7342, 2023 WL 3597573 (4th Cir. May 23, 2023).

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by

¹ The § 2254 Petition references the case number for his prior 28 U.S.C. § 2254 petition filed in the United States District Court for the Western District of Virginia. (§ 2254 Pet. at 1.)

establishing a “gatekeeping mechanism.” *Felker v. Turpin*, 518 U.S. 651, 657 (1996) (internal quotations omitted). Specifically, “[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A).

The Court has not received authorization from the United States Court of Appeals for the Fourth Circuit to consider the present § 2254 Petition. Therefore, the action will be dismissed without prejudice for want of jurisdiction.

An appropriate Final Order will accompany this Memorandum Opinion.



Henry E. Hudson
Senior United States District Judge

Date: June 3, 2024
Richmond, VA